

REMARKS

Claims 1, 3-4, 6-13, and 15-32 are pending in the application. Claims 2, 5, and 14 have been cancelled. Claims 1, 3, 4, 6, 7, 8, 9, 11, 13, and 15 have been amended. Claims 16-32 have been added.

The above-noted new claims are respectfully submitted in order to more clearly and appropriately claim the subject matter which applicant considers to constitute his inventive contribution. No new matter is included in these amendments.

Support for claims 16-23 can be found in at least paragraphs 44, 45, and Figures 1,2 and 4. Support for claims 24-25 can be found in at least paragraph 23, and support for claim 26 can be found in at least paragraph 53. Support for claim 27 can be found in at least Figures 1 and 2. Support for claims 28-32 can be found in at least paragraphs 33 and 34 and Figures 1, 2 and 4.

The Examiner rejected claims 1-15 as allegedly being anticipated by Tarr, United States Patent No. 5,395,004 (the '004 patent). Applicant respectfully traverses these rejections. A reference anticipates a claimed invention only if the reference teaches every aspect of the claimed invention explicitly or implicitly. Any feature not directly taught by the reference must be inherently present. As stated by the Federal Circuit, "[e]very element of the claimed invention must be literally present, as arranged in the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully submits that the '004 patent fails to teach every element of the claimed invention in each of the independent claims, and therefore, applicant respectfully traverses the rejection of the claims. Regarding independent claims 1, 3, 4, 8, 9, 13, and 15, the '004 patent fails to teach

or suggest the combination of elements recited in each of the claims. With respect to claims 1 and 3, an apparatus for generating entertainment data comprises means or a unit for receiving terminal data from each of a plurality of entertainment terminal devices, means or a unit for generating entertainment data, and means or a unit for transmitting the entertainment data to a data delivery machine, the machine delivering the same entertainment data to each of the plurality of entertainment terminal devices at the same time through a broadband broadcast communication line. The '004 patent fails to disclose or suggest the combination of features in claims 1 and 3, and in particular, the delivery of the same entertainment data to each of a plurality of terminal devices at the same time through a broadband broadcast communication line.

Turning to claim 4, the '004 patent does not disclose a method of receiving terminal data from each of a plurality of terminal devices through a low speed communication line, generating entertainment data including data necessary for each of the plurality of entertainment terminal devices to execute a predetermined entertainment process in combination with delivering the same entertainment data to each of the plurality of entertainment terminal devices at the same time through a broadband broadcast communication line.

Regarding claims 6 and 7, the '004 patent fails to teach a terminal device that selects necessary data from the same data delivered to a plurality of terminal devices at the same time through a broad band broadcast communication line in combination with a unit or means for transmitting data generated as a result of executing a predetermined entertainment process to a low-speed communication line.

The combination of features recited in claim 8 is also not disclosed or suggested in the '004 patent, namely, selecting

from the same data delivered to a plurality of entertainment terminal devices at the same time through a broadband broadcast communication line data necessary for executing a predetermined entertainment process, executing the predetermined entertainment process, and transmitting data generated as a result of executing the process to a low-speed communication line.

The '004 patent does not teach an entertainment system as recited in claim 9, including a data delivery machine for delivering the same entertainment data at the same time to a plurality of entertainment terminal devices through broadband broadcast communication line in combination with a plurality of entertainment terminal devices and an entertainment data generation apparatus.

The elements of claim 13 directed to a storage medium storing therein a processing program to be executed on a computer are also not disclosed in the '004 patent. The program in claim 13 comprises receiving terminal data from each of a plurality of entertainment terminal devices through a low-speed communication line; generating entertainment data; and delivering the same entertainment data to each of the plurality of entertainment terminal devices at the same time through a broadband broadcast communication line.

Regarding claim 15, the '004 patent fails to disclose a storage medium having a program that selects from the same data delivered to a plurality of entertainment terminal devices at the same time through a broadband broadcast communication line data necessary for executing a predetermined entertainment process in combination with executing the predetermined process, and transmitting data generated as a result of executing the predetermined process.

Regarding new claims 16-31, applicant submits that each of the new independent claims is not anticipated by the

'004 patent. With respect to claim 16, the '004 patent does not teach or suggest the combination of receiving means interfacing with a first communication line for receiving player data for each of a plurality of players generated in accordance with the execution of a game on a plurality of game machines, and a game processing section for continuing the game on the basis of the player data received from the receiving means and for generating game data including player data from each of the players and identification data.

All of the elements of independent claim 20 are not taught or suggested by the '004 patent, in particular, receiving player data for each of a plurality of players generated in accordance with the execution of a game and continuing the game on the basis of the received player data and generating data including player data for each of the players at the time the game is executed and identification data.

Regarding claim 21, the '004 patent fails to teach or suggest a game machine comprising an extraction section for extracting identification data from game data transmitted at the same time to each of a plurality of game machines through a second communication line in combination with a selection section for selecting game characters and objects necessary for game execution, an operation terminal, an execution processing section for executing the game and a data transmission processing section for transmitting player data generated in accordance with the execution of the game through a first communication line having a narrower band than the second communication line.

Regarding claim 22, the '004 patent does not disclose a method for executing a game comprising extracting identification data from game data transmitted at the same time to each of a plurality of game machines through a second

communication line, selecting game characters and objects necessary for game execution, executing the game and transmitting player data generated in accordance with the game execution through a first communication line having a narrower band than the second communication line.

With respect to claim 23, the '004 patent does not teach or suggest an entertainment system having the combined elements of a game machine for extracting identification data from game data transmitted at the same time to each of a plurality of game machines through a second communication line, the game data including player data for each of a plurality of players at the time the game is executed and identification data with which each game machine identifies game characters and objects in the game during the execution of the game, and for transmitting player data generated in accordance with the execution of the game through a first communication line having a narrower band through the second communication line; a game data generation apparatus; and a data delivery machine for delivering generated game data to the plurality of game machines at the same time through the second communication line.

With respect to claim 27, the '004 patent fails to disclose a storage medium storing a game execution program to be executed on a computer, the program comprising receiving player data for each of a plurality of players generated in accordance with the execution of a game on a plurality of game machines and continuing the game on the basis of the received player data and generating at least game data including player data for each of the players at the time the game is executed and identification data with which each game machine identifies the game characters and objects in the game.

With respect to claim 29, the '004 patent fails to disclose or suggest a storage medium for storing a game

execution program to be executed on a computer, the program comprising extracting identification data from game data transmitted at the same time to each of a plurality of game machines through a second communication line, the game data including player data for each of a plurality of players at the time a game is executed and identification data with which each game machine identifies game characters and objects in the game during the execution of the game, selecting game characters and objects necessary for the execution of the game from all of the data in the game based on the extracted identification data, executing the game on the basis of at least the selected game characters and objects, data for operating the game characters and objects input by a player during the execution of the game, and the player data, and transmitting player data generated in accordance with the execution of the game through a first communication line having a narrower band than the second communication line.

Similarly, the elements of claim 30 are not disclosed in the '004 patent. Claim 30 recites a system for generating game data, comprising a processor operable to execute instructions, and instructions including receiving player data for each of a plurality of players generated in accordance with the execution of a game on a plurality of game machines and continuing the game on the basis of the received player data.

Regarding claim 32, the '004 patent does not disclose a system for executing a game comprising a processor operable to execute instructions, and instructions including extracting identification data from game data transmitted at the same time to a plurality of game machines through a second communication line, the game data including player data for each of a plurality of players at the time a game is executed, selecting game characters and objects for executing the game, executing

the game on the basis of at least the selected game characters and objects, data input by a player, and the player data, and transmitting player data over a first communication line having a narrower band than the second communication line. Since the '004 patent fails to teach or suggest every element in applicant's claimed invention, applicant respectfully requests withdrawal of the rejection.

In view of the foregoing remarks, the application is believed to be in condition for allowance, and an early notice to this effect is earnestly solicited. If allowance of this application may be expedited by resolution of simple issues through a telephone conference, the Examiner is welcome to call the undersigned.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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